

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ALBERT LINTON :

Plaintiff :
v : Civil Action No. RDB-06-2319
BALTIMORE POLICE DEPARTMENT, :
et al. :
Defendants :

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MEMORANDUM OPINION

Pursuant to this Court's Order of September 12, 2006, requiring information regarding exhaustion of state remedies, Plaintiff has filed a supplemental complaint. Paper No. 5. He asserts that he contacted the Baltimore City Police Department Forfeiture Unit within one year of the final disposition of his criminal charges. His contact with that unit, however, garnered no results as his property was not returned. He further states that he "attempted to file a civil action in the District and Circuit Court of Baltimore City" but never received any response. *Id.* at p. 2.

Plaintiff, who is not incarcerated, suggests that this Court obtain docket entries for his state civil action to determine whether exhaustion of State remedies has taken place. The burden, however, is Plaintiff's responsibility. The information provided in the supplemental complaint does not establish that this claim has been properly presented to the State courts. As a matter of comity, this Court will not intervene in a matter that the State courts have not had an opportunity to address. *See Granberry v. Greer*, 481 U.S. 129, 134-35 (1987). Accordingly, the Complaint must be dismissed without prejudice. A separate Order follows.

/s/

October 19, 2006

RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE